

REMARKS/

In the final Office Action dated May 18, 2005, the Examiner rejected independent claims 1 and 8 and dependent claims 3-7 and 10-12 under 35 U.S.C. §103(a), as being unpatentable over US. Patent No. 5,253,299 to Ishida (hereinafter "Ishida") in view of U.S. Patent No. 5,315,660 to Anderson et al. (hereinafter "Anderson") and U.S. Patent No. 6,009,129 to Kenney et al. (hereinafter "Kenney"). Further, the Examiner rejected dependent claims 2 and 9, as being unpatentable over Ishida as modified by Anderson and Kenney as applied to claims 1 and 8 above, and further in view of U.S. Patent No. 5,388,159 to Sakata (hereinafter "Sakata"). By this Amendment, Applicant has amended independent claims 1 and 8 in order to clarify the differences between the disclosures in the cited documents and the present invention. Accordingly, claims 1 to 12 are now pending for consideration.

Rejections under 35 U.S.C. § 103(a)

Applicant respectfully requests the withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a) based on Ishida in view of Anderson and Kenney. No *prima facie* case of obviousness has been established with respect to claim 1 for at least the reason that Ishida, Anderson and Kenney, taken alone or in combination, do not teach or suggest each and every element recited in claim 1.

For example, independent claim 1, as amended, recites a combination of elements, including, *inter alia* "a detecting device which detects the noise level of the noise from the input signal by use of the high frequency component of the input signal; . . . a gain controlling device which generates a first control signal . . . , the first control signal being used for adjusting a level of the input signal." (Emphases added). None of

Ishida, Anderson, or Kenney teaches at least these claim elements. In the final Office Action, the Examiner asserted that Ishida discloses “a detecting device which detects the noise level . . . of the noise from the input.” See Office Action at page 2, paragraph 3 (citing Ishida, Fig. 5 and column 6, lines 9-37). However Ishida fails to disclose all the features of claim 1, including, for example, “a detecting device which detects the noise level of the noise from the input signal by use of the high frequency component of the input signal.”

On the contrary, Ishida discloses that the stereo differential signal (L-R) is divided into a plurality (n) of frequency bands, and noise elimination processing is performed in each of the divisional frequency bands by extracting the divisional stereo differential signal (L-R)_d in accordance with the signal level of each divisional frequency band. See Ishida, column 2 line 63 to column 3 line 1. This does not constitute “a detecting device which detects the noise level of the noise from the input signal by use of the high frequency component of the input signal,” (emphasis added) as required by claim 1 of Ishida.

Furthermore, in the final Office Action, the Examiner asserted that “Kenney teaches a gain controlling device (330) which generates a first control signal (for amplifier control, 303, 304) . . . , the first control signal being used for adjusting a level of the input signal (303, 304).” See Office Action, at page 3 (citing Kenney, Fig. 8 and column 7, line 53 to column 9, line 67). However, Kenney fails to disclose all the features of claim 1, including, for example “a gain controlling device which generates a first control signal . . . , the first control signal being used for adjusting a level of the input signal.” (Emphasis added). Indeed, Kenney does not disclose that the low noise

amplifier (LNA) 305 sets the broad band-filtered signal to high gain according to a certain control signal corresponding to the "first control signal" in currently amended claim 1. (Emphasis added). See Kenney, column 6 lines 42 to 48. Moreover, Anderson, relied on for its disclosure of a "restoring device which restores the level of said the reduced adjusted signal to the original level of the input signal on the basis of the second control signal," (see Office Action, at page 4), fails to remedy the deficiencies of Ishida and Kenney.

Independent claim 8, although different in scope, includes language similar to that of claim 1, and, therefore, is allowable for at least the reasons discussed above. Claims 3-7 and 10-12 ultimately depend from one of claims 1 and 8, and, therefore, are allowable at least due to such dependency.

Applicant respectfully requests the withdrawal of the rejection of claims 2 and 9 under 35 U.S.C. § 103(a) based on Ishida as modified by Anderson and Kenney as applied to claims 1 and 8, and further in view of Sakata.

Claims 2 and 9 depend from and add additional features to one of independent claims 1 and 8. Moreover, Sakata, relied on for its disclosure of an extracting device, a rectifying device, an envelope signal generating device, and a level analyzing device (see Office Action at page 6, paragraph 4), fails to cure the deficiencies of Ishida, Kenney, and Anderson. Accordingly, claims 2 and 9 are allowable for at least the reasons set forth above.

Non-receipt of Information Disclosure Statement

In the final Office Action, the Examiner indicated that the Examiner has not received a copy of the Form PTO-1449 submitted by the Application on May 17, 2002.

See Office Action, page 7, paragraph 6. Applicant has therefore resubmitted a copy of Form PTO-1449 along with an Information Disclosure Statement filed concurrently herewith.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-12 in condition for allowance. Applicant submits that the proposed amendments of claims 1 and 8 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

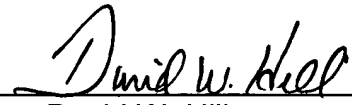
In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: September 15, 2005

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